

Senate Bill No. 1130

CHAPTER 173

An act to add Section 71760 to the Water Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 2014. Filed with
Secretary of State July 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1130, Roth. Drinking water: County Water Company of Riverside water system: liability.

(1) The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Department of Public Health various responsibilities and duties. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would exempt the Elsinore Valley Municipal Water District, the Eastern Municipal Water District, the Western Municipal Water District, and the Metropolitan Water District of Southern California from liability, as prescribed, for claims by past or existing County Water Company of Riverside customers or those who consumed water provided through the County Water Company of Riverside water system prior to and during the interim operation period, as specified. The bill would prohibit the immunity from liability from being construed to relieve any water district, water wholesaler, or any other entity from compliance with drinking water standards, impair any cause of action or proceeding brought by specified public entities, or impair claims alleging the taking of property without compensation. The bill would require the interim operation period to last until permanent replacement facilities are accepted by the Elsinore Valley Municipal Water District and the Eastern Municipal Water District with the concurrence of the department or December 31, 2015, whichever occurs first. The bill would require the department to extend the interim operation period for up to 3 successive one-year periods at the request of the Elsinore Valley Municipal Water District and the Eastern Municipal Water District, as prescribed.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute with regard to the customers of the County Water Company of Riverside.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the provisions of this act are precisely tailored to address the unique circumstances facing the customers of the County Water Company of Riverside.

(b) The Legislature further finds and declares that the provisions of this act are not intended to apply to other water districts because the limitations on liability within the act reflect the unique circumstances facing the customers of the County Water Company of Riverside.

SEC. 2. Section 71760 is added to the Water Code, to read:

71760. (a) (1) The Elsinore Valley Municipal Water District and the Eastern Municipal Water District shall not be held liable for claims by past or existing County Water Company of Riverside customers or those who consumed water provided through the County Water Company of Riverside water system concerning the operation and supply of water from the County Water Company of Riverside water system during the interim operation period specified in subdivision (c) for any good faith, reasonable effort using ordinary care to assume possession of, to operate, or to supply water to the County Water Company of Riverside water system.

(2) The Elsinore Valley Municipal Water District and the Eastern Municipal Water District shall not be held liable for claims by past or existing County Water Company of Riverside customers or by those who consumed water provided through the County Water Company of Riverside water system for any injury that occurred prior to the commencement of the interim operation period specified in subdivision (c).

(b) (1) (A) The Western Municipal Water District and the Metropolitan Water District of Southern California shall not be held liable for claims by past or existing County Water Company of Riverside customers or by those who consumed water provided through the County Water Company of Riverside water system concerning the provision of supplemental imported water supplies to the County Water Company of Riverside water system during the interim operation period specified in subdivision (c) for any good faith, reasonable effort using ordinary care to supply water to the County Water Company of Riverside water system.

(B) The Western Municipal Water District and the Metropolitan Water District of Southern California shall not be held liable for claims by past or existing County Water Company of Riverside customers or by those who consumed water provided through the County Water Company of Riverside water system concerning the operation and supply of water from the County Water Company of Riverside water system for any injury that occurred

prior to the commencement of the interim operation period specified in subdivision (c).

(2) This subdivision shall only apply if the water supplied by the Western Municipal Water District and the Metropolitan Water District of Southern California through the temporary potable service pipeline to the County Water Company of Riverside water system meets or exceeds federal and state drinking water quality standards.

(c) (1) The interim operation period shall commence upon the connection of a temporary potable service pipeline by either the Elsinore Valley Municipal Water District or the Eastern Municipal Water District to the County Water Company of Riverside water system, or upon the execution of an agreement between the Elsinore Valley Municipal Water District, the Eastern Municipal Water District, the County Water Company of Riverside, and any other signatories to provide service to the customers of the County Water Company of Riverside, whichever occurs first.

(2) (A) Except as provided in subparagraph (B), the interim operation period shall last until permanent replacement facilities are accepted by the Elsinore Valley Municipal Water District and the Eastern Municipal Water District with the concurrence of the State Department of Public Health or December 31, 2015, whichever occurs first.

(B) Upon the showing of good cause, the interim operation period shall be extended by the State Department of Public Health for up to three successive one-year periods at the request of the Elsinore Valley Municipal Water District and the Eastern Municipal Water District.

(3) The acceptance date of permanent replacement facilities shall be publicly noticed by the Elsinore Valley Municipal Water District and the Eastern Municipal Water District.

(d) Subdivision (a) shall only apply if the Elsinore Valley Municipal Water District and the Eastern Municipal Water District provide water to the County Water Company of Riverside water system in accordance with all of the following conditions:

(1) The Elsinore Valley Municipal Water District and the Eastern Municipal Water District shall comply with the special terms and conditions established by the State Department of Public Health for safe drinking water emergency funding pursuant to Section 75021 of the Public Resources Code for the interim operation period.

(2) Water provided by the Elsinore Valley Municipal Water District and the Eastern Municipal Water District through the temporary potable service pipeline to the County Water Company of Riverside water system shall meet or exceed federal and state drinking water quality standards.

(3) Reasonable water system flow and pressure through the temporary potable service pipeline shall be maintained during the interim operation period based upon the condition and integrity of the existing County Water Company of Riverside water system and any disruptions to water delivery resulting from construction related activities associated with the installation of permanent replacement facilities shall be minimal.

(4) The Elsinore Valley Municipal Water District and the Eastern Municipal Water District shall notify Riverside County fire officials serving the County Water Company of Riverside service area of the condition and firefighting support capabilities of the existing County Water Company of Riverside water system and planned improvements with the installation of permanent replacement facilities thereto. The Elsinore Valley Municipal Water District and the Eastern Municipal Water District shall maintain or improve the condition and firefighting support capabilities of the existing County Water Company of Riverside water system during the interim operation period.

(5) Customers of the County Water Company of Riverside shall receive written notice upon any change in possession, control, or operation of the water system.

(e) Nothing in this section shall be construed to do any of the following:

(1) Relieve any water district, water wholesaler, or any other entity from complying with any provision of federal or state law pertaining to drinking water quality.

(2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or any other public prosecutor, or impair any other action or proceeding brought by or on behalf of a regulatory agency.

(3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the customers of the County Water Company of Riverside.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide safe drinking water that is always reliable for current customers of the County Water Company of Riverside at the earliest possible date, it is necessary that this act take effect immediately.